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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

**IN RE: WEBKINZ ANTITRUST
LITIGATION**

) Case No. M:08-CV-01987 JSW (WDB)
) MDL No. 1987
)

THIS DOCUMENT RELATES TO ALL
ACTIONS

) **STIPULATION AND [PROPOSED] ORDER**
) **TO MODIFY BRIEFING SCHEDULE ON**
) **DEFENDANTS' MOTION TO DISMISS**
) **COUNT I OF THE CONSOLIDATED**
) **COMPLAINT AND MOTION TO DROP**
) **CLAIMS AND PARTIES PURSUANT TO**
) **FEDERAL RULE 21**

**STIPULATION AND [PROPOSED] ORDER TO MODIFY BRIEFING SCHEDULE ON DEFENDANTS'
MOTION TO DISMISS COUNT I OF THE CONSOLIDATED COMPLAINT AND MOTION TO DROP
CLAIMS AND PARTIES PURSUANT TO FEDERAL RULE 21**

1 The Court's April 28, 2009 Order requires that any opposition to Defendants Ganz, Inc.'s
2 and Ganz U.S.A. LLC's Motion to Dismiss Count One of the Consolidated Complaint ("Motion
3 to Dismiss") be filed no later than May 12, 2009 and a reply brief to be filed no later than May
4 19, 2009. (Doc. No. 44). This Order did not set a briefing schedule for Defendants' Motion In
5 Response to Consolidated Complaint To Drop Claims and Parties Pursuant to Federal Rule 21,
6 which Defendants filed with their Motion to Dismiss in response to the Consolidated Complaint
7 (Doc. No. 43).

8 WHEREAS, on March 9, 2009, this Court previously ordered that Defendants' file any
9 response to the Consolidated Complaint no later than forty-five days from the date of Plaintiffs'
10 Consolidated Complaint (Doc. No. 30).

11 WHEREAS, on April 27, 2009, Defendants timely filed the following two motions in
12 response to Plaintiffs' Consolidated Complaint: (1) Motion to Dismiss Count One of Plaintiffs'
13 Consolidated Complaint; and (2) Motion In Response to Consolidated Complaint To Drop
14 Claims and Parties Pursuant to Federal Rule 21 (collectively, "Defendants' Motions"). (Doc.
15 Nos. 42 and 43, respectively). The hearing on Defendants' Motions is currently set for June 12,
16 2009.

17 WHEREAS, this Court's March 9, 2009 Scheduling Order stated that Plaintiffs'
18 Opposition to Defendants' response to the Amended Complaint be filed "no later than thirty days
19 after Defendants' motion(s) is filed" (May 27, 2009). The Order further provided that any Reply
20 papers be filed "no later than fifteen days after the filing of Plaintiffs' Opposition" (June 11,
21 2009). (Doc. No. 30).

22 WHEREAS, the issues raised by Defendants' Motions are complex and the time frames
23 established in the Court's original scheduling order will facilitate thorough briefing of the issues
24 presented by Defendants' Motions.

25 WHEREAS, the parties agree that the hearing on Defendants' Motion should be
26 postponed to July 17, 2009. This short continuance would allow the parties to thoroughly brief
27 the issues presented by Defendants' Motions and give the Court the equivalent time under the
28 current briefing schedule to consider the parties' papers.

**STIPULATION AND [PROPOSED] ORDER TO MODIFY BRIEFING SCHEDULE ON DEFENDANTS'
MOTION TO DISMISS COUNT I OF THE CONSOLIDATED COMPLAINT AND MOTION TO DROP
CLAIMS AND PARTIES PURSUANT TO FEDERAL RULE 21**

IT IS THEREFORE STIPULATED, CONSENTED TO AND AGREED that Plaintiffs' Opposition to Defendants' Motion to Dismiss Count One of Plaintiffs' Consolidated Complaint shall be filed no later than May 27, 2009. Plaintiffs' Opposition to Defendants' Motion In Response to Consolidated Complaint To Drop Claims and Parties Pursuant to Federal Rule 21 shall be filed no later than May 27, 2009. Defendants' Reply Briefs shall be filed no later than June 11, 2009. The hearing on Defendants' Motions is continued to ~~July 17, 2009~~ August 6, 2009 at 9:00 a.m.

Dated: April 29, 2009

COTCHETT, PITRE & McCARTHY
MATTHEW K. EDLING

/s/ Matthew K. Edling
Matthew K. Edling
Attorneys for Plaintiffs

Dated: April 29, 2009

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/s/ Lisa I. Carteen (with permission)
Lisa I. Carteen
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GANZ, INC. and GANZ U.S.A., LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 30, 2009


JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

STIPULATION AND ~~PROPOSED~~ ORDER TO MODIFY BRIEFING SCHEDULE ON DEFENDANTS' MOTION TO DISMISS COUNT I OF THE CONSOLIDATED COMPLAINT AND MOTION TO DROP CLAIMS AND PARTIES PURSUANT TO FEDERAL RULE 21